

1 BILL NO. G-85- 11-64

2 GENERAL ORDINANCE NO. G- Withdraw

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a portion of public street.

6 WHEREAS, a petition to vacate a public street
7 within the City of Fort Wayne (as more specifically describ-
8 ed as below) was duly filed with the City Planning Commiss-
9 ion; and,

10 WHEREAS, said Commission duly held a public
11 hearing thereof; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in I.C.
16 36-7-3-12; and

17 WHEREAS, this body concurs in the recommendation
18 of the City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON
20 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to
22 vacate a portion of public street within the City of Fort
23 Wayne, more specifically described as follows, to-wit:

24 Wabash Avenue from fifty (50) feet south of the
25 southern right-of-way of the Norfolk and Western
26 Railroad to the north boundary of Wayne Trace in
27 Fort Wayne, Allen County, Indiana,

28 and which vacating amends the Thoroughfare Plan of the City
29 Comprehensive ("Master") Plan and is hereby approved in all
30 respects.

31 SECTION 2. That this ordinance shall be in full
32 force and effect from and after its passage, any and all

Bill No. G-85-

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necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

**Public hearing to be held on _____,
the _____ day of _____ 1985, in the
Council Chambers.


Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Redd,
seconded by Allen, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.S.

DATE: 11-26-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

With dissent

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

#87690

COMMUNITY DEVELOPMENT & PLANNING

No 481

FT. WAYNE, IND., 10-1 19 85

RECEIVED FROM To Plains Corp
THE SUM OF one hundred & 00/100 \$ 80.00
ON ACCOUNT OF 100 DOLLARS

Vaestem - Port of Wabash
Port B
AUTHORIZED SIGNATURE

Vacation Ordinance

PETITION TO VACATE PORTION OF WABASH AVENUE

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA



The undersigned petitioners respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of a public street within the City of Fort Wayne, Indiana, and hereby described as follows:

(see legal description attached hereto and made a part
hereof as Exhibit "A")

In support thereof, your petitioners represent that:

1. They are the only owners of the real estate bordering both sides of the portion of Wabash Avenue sought to be vacated.
2. The portion of Wabash Avenue sought to be vacated is not necessary as ingress or egress to other properties in the City of Fort Wayne.
3. No other person, firm, or corporation is adversely affected by the requested vacation of said portion of Wabash Avenue.
4. The maintenance of the portion of Wabash Avenue sought to be vacated is not necessary or advantageous to the growth of the City of Fort Wayne.
5. The vacation of said portion of Wabash Avenue will benefit the City of Fort Wayne and the citizens thereof by permitting your petitioner, Tokheim Corporation, to proceed with the expansion and renovation of its plant facilities located in the East Central section of the City.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described portion of Wabash Avenue be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated September 30, 1985

TOKHEIM ATHLETIC ASSOCIATION

by Al Schmitz
Al Schmitz
President
1600 Wabash Avenue
Fort Wayne, Indiana 46803

("Adjacent Property Owner")

TOKHEIM CORPORATION

by J. E. Overmyer
J. E. Overmyer
Vice President and Treasurer
1600 Wabash Avenue
Fort Wayne, Indiana 46803

("Petitioner")

Lawrence E. Shine
Shoaff, Parker & Keegan
2400 Fort Wayne Bank Building
Fort Wayne, Indiana 46864
(219) 424-8000

("Agent for Petitioner")

EXHIBIT "A"

Wabash Avenue from fifty (50) feet south of the southern right-of-way of the Norfolk and Western Railroad to the north boundary of Wayne Trace in Fort Wayne, Allen County, Indiana.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 26, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-85-11-64; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as require by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 18, 1985; and,

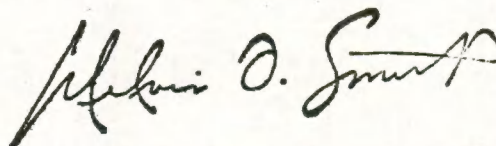
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 25, 1985.

Certified and signed this
20th day of May 1986.



Melvin O. Smith
Secretary

BAKER & DANIELS & SHOAFF

FACSIMILE
219-422-5925

2400 FORT WAYNE NATIONAL BANK BLDG.

P.O. BOX 12709

FORT WAYNE, INDIANA 46864

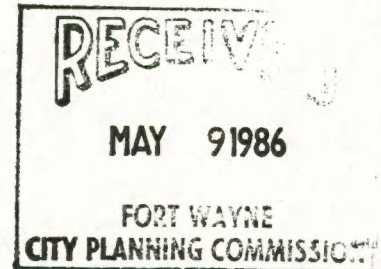
219-424-8000

BAKER & DANIELS
810 FLETCHER TRUST BUILDING
INDIANAPOLIS, INDIANA 46204-2454
317-636-4535

BAKER & DANIELS
SUITE 600 1920 N STREET N. W.
WASHINGTON, D.C. 20036
202-785-1565

LAWRENCE E. SHINE

May 9, 1986



Mr. Wayne O'Brien
Fort Wayne City Plan Commission
8th Floor, City-County Building
One Main Street
Fort Wayne, IN 46802

RE: Partial Vacation of Wabash Avenue
by Tokheim Corporation

Dear Wayne:

Due to a significant internal reorganization within Tokheim Corporation, a decision has been made not to proceed with the corporate and design center at the Wabash Avenue location.

Accordingly, there will be no need to proceed with the partial vacation of Wabash Avenue.

Therefore, on behalf of Tokheim Corporation I am requesting that the current legislation directed to the partial vacation of Wabash Avenue be withdrawn by the Fort Wayne City Plan Commission.

Additionally, if the original Grant of Easement and Right-of-Way has not been executed by the Board of Public Works and recorded, please cause that document to be returned to me.

Thank you for your assistance. If you have any questions concerning these matters, please give me a call.

Sincerely,

BAKER & DANIELS & SHOAFF

Lawrence E. Shine
Lawrence E. Shine

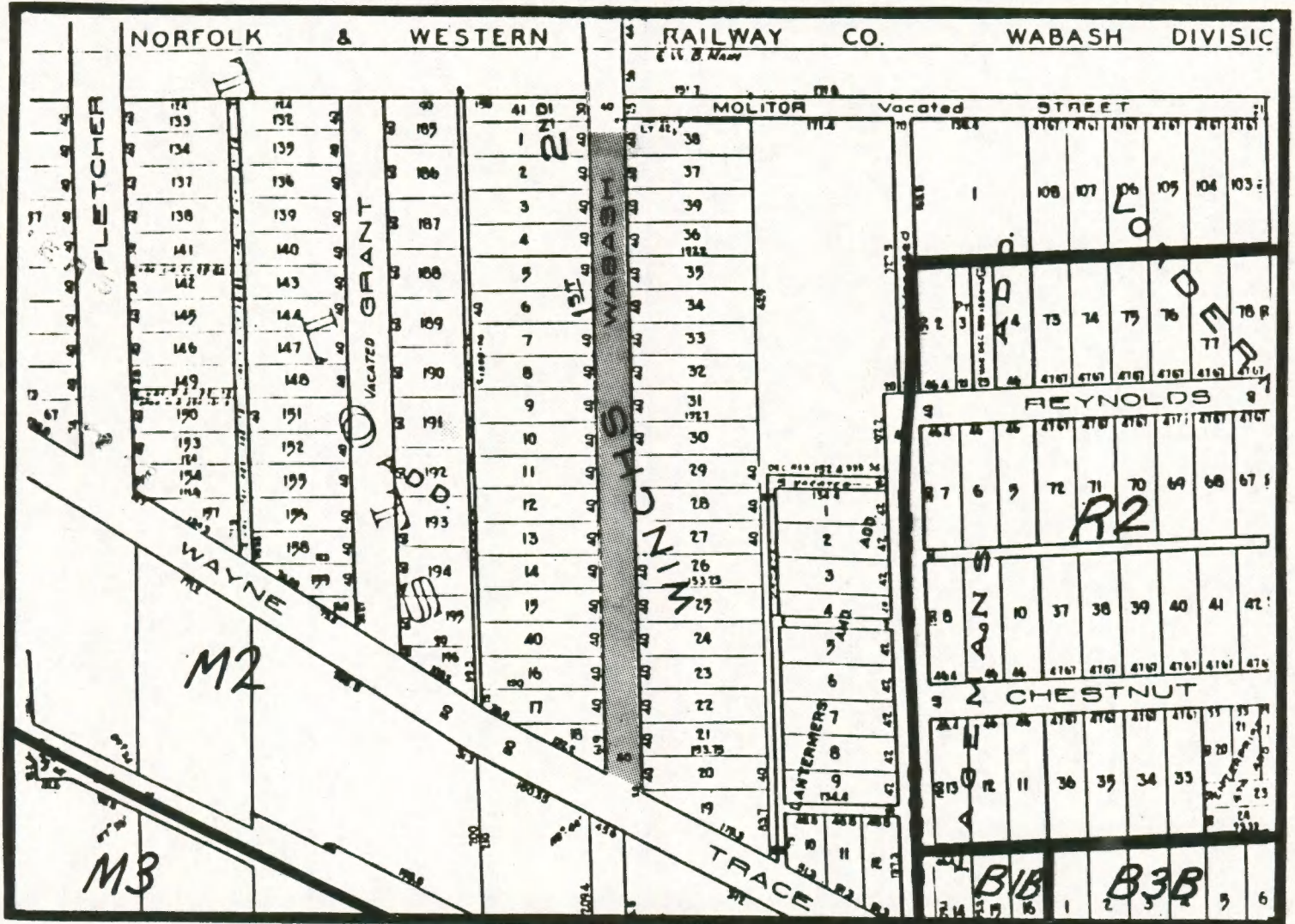
LES:bad
cc: J. E. Overmyer
Pat Biancaniello
Robert Macy

VACATION PETITION #163

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC STREET

MAP NO. P-2

COUNCILMANIC DISTRICT NO. 1



Zoning:

Land Use:

M2 GENERAL INDUSTRY

R2 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS 'B'

B3B GENERAL BUSINESS 'B'

M3 HEAVY INDUSTRY

G-85-11-64

Scale: 1" = 200'

Date: 10-29-85



COUNCILMANIC DISTRICT No. 1

DIGEST SHEET

ORIGINAL

ORIGINAL

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P *9-85-11-69*

SYNOPSIS OF ORDINANCE Portion of Wabash Avenue

EFFECT OF PASSAGE Property is now public right-of-way. Property will be vacated and closed for public use and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain open as public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. G-85-11-64

W. H. H. H.

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ ^{XXXXXXXXXX} amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating a
portion of public street

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ ^{XXXXXXXXXX} UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

B. A. Eisbart
BEN A. EISBART
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

Donald J. Schmidt
DONALD J. SCHMIDT

Thomas C. Henry
THOMAS C. HENRY

Charles B. Redd
CHARLES B. REDD

CONCURRED IN 5-27-86

SANDRA E. KENNEDY
CITY CLERK